



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: June 12, 2012

SUBJECT: Ordinance No. 2012-8

BACKGROUND

Over the last couple months, the Planning Commission has been discussing a draft zoning ordinance for the Red Rock Gateway area. Through the discussion, staff has established language for the Zoning Code to be included in Sections 1330, 1350, and 1370.09 for approval. The Planning Commission held a public hearing for the ordinance additions at its May 10, 2012 meeting. No public comments were heard and the Planning Commission approved the resolution recommending that the City Council approve the ordinance additions unanimously.

DISCUSSION

Attached for the City Council's review is Ordinance No. 2012-8 approving the changes. The proposed language adds regulations for the MX-3 Transit-Oriented Mixed Use District and the River Redevelopment Overlay District. Additionally, it cleans up the two sections.

RECOMMENDATION

It is recommended that the City Council approve Ordinance No. 2012-8 approving a zoning amendment to Section 1300, Section 1330 General District Regulations, and Section 1350 Nonresidential Districts, adding Section 1370.09 River Redevelopment Overlay District and amending the zoning map

**CITY OF NEWPORT
ORDINANCE 2012-8**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, APPROVING A ZONING
AMENDMENT TO SECTION 1300, SECTION 1330 GENERAL DISTRICT REGULATIONS, AND
SECTION 1350 NONRESIDENTIAL DISTRICTS, ADDING SECTION 1370.09 RIVER
REDEVELOPMENT OVERLAY DISTRICT OF THE CITY OF NEWPORT CODE OF ORDINANCES
AND AMENDING THE ZONING MAP.**

THE CITY COUNCIL OF THE CITY OF NEWPORT, MINNESOTA, HEREBY ORDAINS THAT:

Section 1300 – General

1300.01 Definitions.

Subd. 36 Fence. “Fence” shall mean a partition, structure, wall or gate erected as a diving marker, visual or physical barrier, or enclosure.

Section 1330 – General District Regulations

1330.01 District Classification

In order to implement the Comprehensive Plan and achieve an orderly development pattern that protects the health, safety, and general welfare of the City of Newport, its residents, and business community, and minimizes development impacts on the environment, the city is hereby divided into the following zoning districts:

1330.01.3 Mixed Use Districts

- **MX-1 Downtown Mixed Use District**
- **MX-2 Commercial Mixed Use District**
- **MX-3 Transit-Oriented Mixed Use District**

1330.01.5 Special Overlay Districts

- **Shoreland Management District**
- **Critical Area Overlay District**
- **Flood Plain Management District**
 - **Floodway**
 - **Floodfringe**
- **Bluffland Area Overlay District**
- **Historic Neighborhood Conservation Overlay District**
- **Conservation Residential Overlay District**
- **River Redevelopment Overlay District**

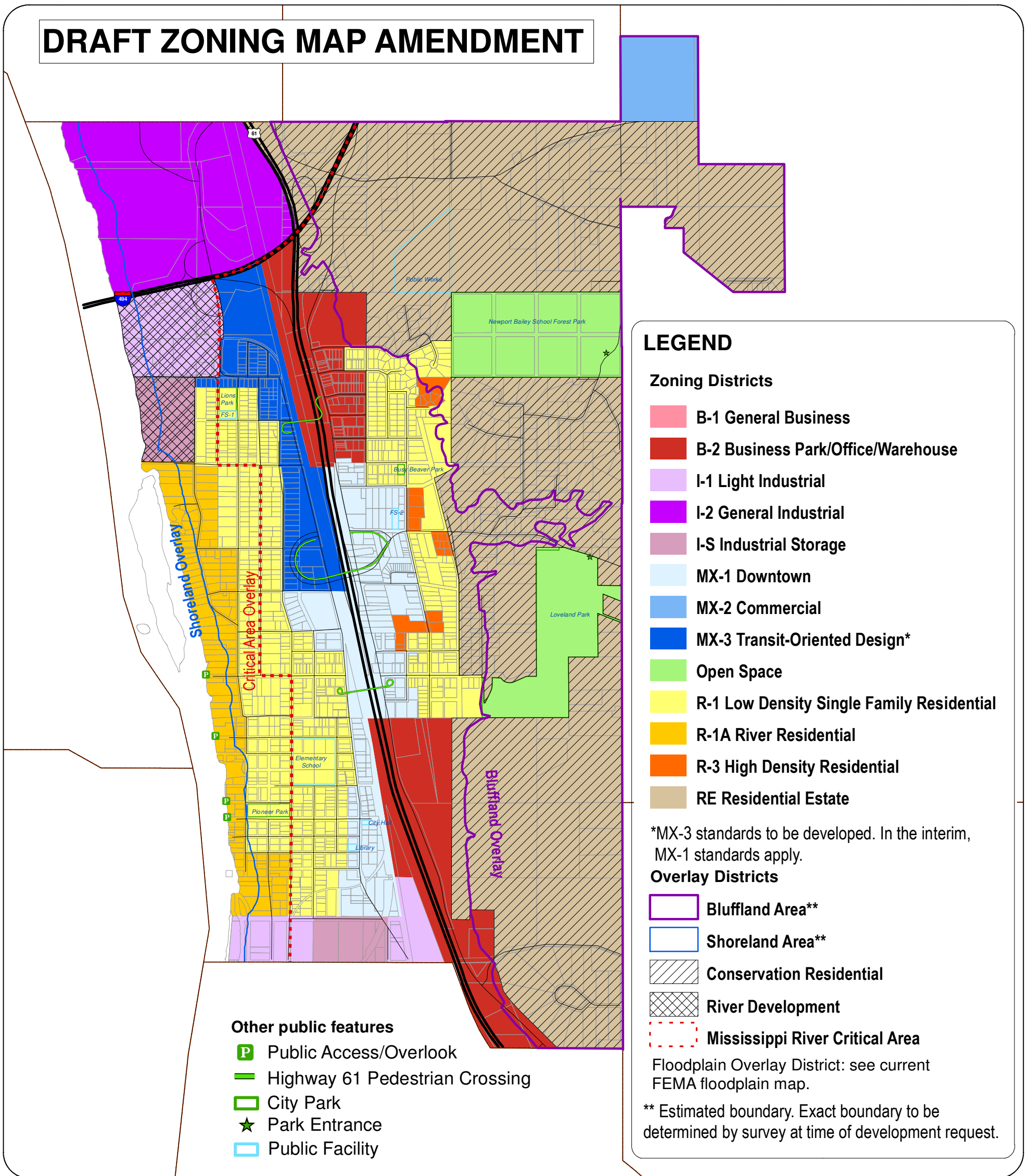
1330.02 Zoning Map

The location and boundaries of the districts established by this Chapter shall be hereby set forth in a map known as the "City of Newport Zoning Map" hereinafter referred to as the Zoning Map. The map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter. It shall be the responsibility of the Zoning Administrator to maintain the Zoning Map, and amendments shall be recorded on the map within thirty (30) days after official publication of the amendments. The official zoning map shall be kept on file in the City hall.



City of Newport Zoning Map

DRAFT ZONING MAP AMENDMENT



LEGEND

Zoning Districts

- B-1 General Business
- B-2 Business Park/Office/Warehouse
- I-1 Light Industrial
- I-2 General Industrial
- I-S Industrial Storage
- MX-1 Downtown
- MX-2 Commercial
- MX-3 Transit-Oriented Design*
- Open Space
- R-1 Low Density Single Family Residential
- R-1A River Residential
- R-3 High Density Residential
- RE Residential Estate

*MX-3 standards to be developed. In the interim, MX-1 standards apply.

Overlay Districts

- Bluffland Area**
- Shoreland Area**
- Conservation Residential
- River Development
- Mississippi River Critical Area

Floodplain Overlay District: see current FEMA floodplain map.

** Estimated boundary. Exact boundary to be determined by survey at time of development request.

Other public features

- P Public Access/Overlook
- Highway 61 Pedestrian Crossing
- City Park
- ★ Park Entrance
- Public Facility

Data sources: City of Newport, Washington County, Metropolitan Council

Zoning Map Adopted TBD

Map printed March 20, 2012

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2,000

Feet

Section 1330.04 Uses

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Residential															
Single Family Detached, one dwelling per lot	P	P	P	P	P							P	P	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Single Family Detached, more than one dwelling unit per lot	PUD	PUD	PUD	PUD	PUD							PUD	PUD		
Two Family residences				P	P							P	P		Includes townhomes
Multi-family (eight units or fewer per building)				C	P							P	P		Includes townhomes

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Multi-family (eight or more units per building)				C	P							C	C	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	Includes townhomes
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	C	C	C	C	C							C	C		
Planned residential developments	PUD	PUD	PUD	PUD	PUD							PUD	PUD		
Manufactured Single-Family Dwelling	P	P	P	P	P							P	P		

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance			
Land Use	Zoning District													Additional Use Regulations (See footnotes)			
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use		
Mobile Homes	C																
Public and Semi-Public Services																	
Airport	C								C	C				Please see Section 1350.12 (B) for allowed uses in the MX-3 District			
Cemetery						C	C										
Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P	P						C	C			In Residential Districts and Mixed Use Districts building footprints shall not exceed 10,000 sq. ft.	
Crematorium						C	C										
Funeral Home						P	P					C	C				

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Land Use	Zoning District													Additional Use Regulations (See footnotes)	
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Hospitals						P	P							Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Medical Clinics					C	P	P					P	P		In the MX district, facilities must not exceed a 10,000 square foot footprint
Military Reserve, National Guard Centers						C			C	C					
Nursery School/Day care services	C	C	C	P	P							P	P		
Parking Garage (as principal use)						P	P					C	C		
Parking Lots--Surface (as principal use)						P	P		P	P		C	C		

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Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Penal/correctional facilities									C	C				Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Post Office						P	P					P	P		
Pubic Facilities including government offices, emergency facilities, public works facilities, Schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	C	P	P		P	P	P	C	C		Public Facilities located in Residential Districts must not exceed 10,000 square foot footprint except if located in the RE District.
Public utility	C	C	C	C	C	P	P		P	P	P	C	C		

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Schools--Trade, College, Vocational and associated facilities						P	P		C			C	C	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	In the MX district, school facilities must not exceed a 10,000 square foot footprint.
Social, fraternal clubs and lodges, union halls						P	P					C	C		
Sanitary Landfill									C	C					
Towers and antennas															
Transit Station						C	C					P	P		
Park-and-ride Lot						C	C					C	C		
Commercial															
Bed and Breakfast	C	C	C	C	C	P	P					P	P		

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Hotels						P	P					C	C	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Motels						P	P					C	C		
Adult Uses (bookstore, theater, nightclub, nude or partially nude dancing)										C	C				
Animal boarding						P	P								
Animal grooming						P	P					C	C		
Animal hospitals						P	P					C	C		
Animal retail sales						P	P					C	C		
Antique Shops						P	P					P	P		
Artist studios												P	P		

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Land Use	Zoning District													Additional Use Regulations (See footnotes)	
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Auto sales, rental and services						C								Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Auto services only						C						C	C		No more than 4 bays in the MX districts
Auto storage									C	P	C				
Auto washing						C,A			P,A	P, A					
Bakeries (Retail sales)						P	P					P	P		
Bakeries (Wholesale)						P	P					C	C		
Restaurant--Liquor Served--Bar Grill						C	C					C	C		
Restaurant--Fast food						P	P					C			

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Restaurant-- Traditional (no liquor, sit down restaurant)						P	P					P	P	Please see Section 1350.12 (B) for allowed uses in the MX-3 District		
Building materials and services						C	C									
Catering services						P	P		P			P	P			
Professional Offices						P	P					P	P			
Convenience Stores						P	P					P	P			

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Bicycle Sales Dry Cleaner Laundromat Drug Store/Pharmacy Floral/Flower shop Hobby Shop						P	P					P	P	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	In the MX district, drive up windows require a conditional use permit (CUP)		
Wholesale sales						P	P		P								
Produce sales: vegetables, fruit, flowers, etc...						P	P					P	P				
Drive up Banks						P	P					C	C				
Entertainment/amusement halls Bowling Alley Skating Rink, Indoor						P	P					P	P		If alcohol is part of the use a (CUP) is required.		

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Movie Theater						P	P					C		Please see Section 1350.12 (B) for allowed uses in the MX-3 District	300 or less capacity
Movie Theater						P	P								300 or greater capacity
Coliseums, stadiums						P	P								
Country Club and Golf Course	C	C	C	C	C	C	C								
Private athletic fields or courts	C	C	C	C	C										
Golf Driving Range						C									
Horseback Riding, Stables	C														
Auto and motorcycle racing tracks						C			C	C					
Drive-in movie theater						C									

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Mobile Home Sales						P								Please see Section 1350.12 (B) for allowed uses in the MX-3 District
Manufactured Home Sales						P								
Automobile Parts/accessories retail sales and installation						P	C					C	C	
Automobile painting and body work									C					
Gas, diesel or other motor fuel retail sales						P	P					C	C	
Storage Mini-storage/cold storage											P			
Salvage yard (auto or scrap iron)										C				

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Animal Kennel for more than 6 animals	C					C	C							Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Agricultural operations, row cropping, tree farming (excluding livestock)	P														No on-premises sales
Commercial Greenhouse operations	C					C			P						Outside storage or sales requires a CUP. No on-premise sales permitted in RE district.
Veterinarian Clinic, animal hospital						C	C		P			C	C		
Industrial															

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Manufacturing						C	C		P	P				Please see Section 1350.12 (B) for allowed uses in the MX-3 District		
Warehousing							C		P	P						
Storage and Distribution of Bulk Petroleum Products, Oil and Gasoline											C					
Storage and distribution of bulk liquid fertilizer, chemicals or similar materials										C	C					
Retail Sale, Installation and remanufacturing of vehicle parts and accessories.									P							

1330.05 Performance Standards

Subd. 15 Fences. Except in the RE, R-1, R-1A, MX-1, MX-2, and MX-3 districts, fences shall comply with the following standards:

- A. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- B. That side of the fence considered the face (the finished side as opposed to the structural supports) shall face the abutting property.
- C. A fence shall be of one color or pattern, may not contain or support pictures, signage or lettering, and must be maintained in good condition and appearance.
- D. A fence shall only be constructed of the following materials:
 - 1. Treated wood, cedar, or redwood
 - 2. Simulated wood
 - 3. Decorative brick or stone
 - 4. Wrought iron or aluminum designed to simulate wrought iron
 - 5. Coated or non-coated chain link
 - 6. Split rail
- E. A fence may be no more than twelve (12) feet in height.
- F. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic.
- G. In the I-S district, a fence at least six (6) feet in height shall be required around all storage tanks. No fence shall be constructed on public rights-of-way.

Subd. 21 Fences in the RE, R-1, R-1A, MX-1, MX-2, and MX-3 districts.

- A. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- B. That side of the fence considered being the face (the finished side as opposed to the structural supports) shall face the abutting property.
- C. A fence in the front yard shall be of one color or pattern, and may not contain or support pictures, signage or lettering visible to a public street or to adjacent properties.
- D. A fence may be no more than four (4) feet in height in the front yard.
- E. A fence may be no more than six (6) feet in height in a side or rear yard, unless the side or rear lot line is common with the front yard of an abutting lot, in which case the portion of the side or rear lot line equal to the required front yard of the abutting lot may have a fence no more than four (4) feet in height.
- F. Except in the RE district, barbed wire may not be used for fences.
- G. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic.
- H. All fences shall be maintained in good condition and appearance.
- I. A fence shall only be constructed of the following materials:
 - 1. Treated wood, cedar, or redwood
 - 2. Simulated wood
 - 3. Decorative brick or stone
 - 4. Wrought iron or aluminum designed to simulate wrought iron
 - 5. Coated or non-coated chain link
 - 6. Split rail
- J. Except in the RE District, welded wire may not used for fences on property boundaries.
- K. Welded wire may be used in the RE District for fences on property boundaries of rear yards.
- L. Welded wire may only be used for small enclosures in all districts to protect vegetation such as trees, gardens, plants, and bushes.
- M. Except in the RE District, snow fences may not be used for fences.
- N. Snow fences may be erected in the RE District for controlling snow between November 1 and April 15. All snow fences must be removed by April 16.
- O. No fence shall be constructed on public rights-of-way.

1330.06 Off-Street Parking

Subd. 2 Number of Off-street Parking Spaces. The number of off-street parking spaces required for uses in the Residential, Non-Residential, and MX-1 and MX-2 Districts shall be as follows. Section 1350.12 prescribes the number of off street parking spaces required for uses in the MX-3 District.

Subd. 4 Shared Parking in Non-residential Districts. The standards for shared parking spaces for uses in all-non-residential districts are as follows:

- A. Required parking facilities serving two or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.
- B. A shared parking plan for two or more uses involving fewer than the total number of parking spaces required in paragraph (1) above may be approved by Conditional Use Permit, if at least the following conditions shall be met:
 1. No more than fifty (50) percent of the required parking spaces for a given use may be shared with another use.
 2. The applicant shall show that there is no substantial conflict between the principal operating hours of the uses, which will share parking spaces.
 3. A properly drawn legal instrument covering access easements, cross parking arrangements, maintenance, or other pertinent issues, executed by the parties involved, and approved by the City Attorney, shall be filed with the City Clerk-Administrator.
 4. Proof of available parking can be made available should a more intensive use be proposed for the site at a later time.

Section 1350 – Non-residential Districts

1350.04 Purpose of the Industrial Districts

The industrial districts shall be established to accomplish the general purpose of this Chapter and the Comprehensive Plan and the following specific purposes:

- A. To provide employment opportunities;
- B. To group industrial uses in locations accessible to rail lines and highways, and to allow efficient movement of raw materials, finished products and employees;
- C. To separate traffic, noise, and other obtrusive characteristics of intense industrial activity from the more sensitive commercial, residential, and open space areas of the City.

1350.05 Specific intent of the I-1 Light Industrial District.

The specific intent of the I-1 Light Industrial District shall be to provide areas for the development of research laboratories, small-scale processing, fabricating, storage, manufacturing, and assembly of products. Such uses are non-polluting, not excessively noisy or dirty, limited traffic producers, and do not produce hazardous waste by-products.

1350.07 Specific intent of the I-S Industrial Storage District.

The specific intent of the IS Industrial Storage District shall be to provide areas that are adequately buffered and separated from residential, commercial, and business uses to permit storage of petroleum products and other similar storage uses.

1350.08 Purpose of the Mixed-Use Districts.

The mixed-use districts shall be established to accomplish the general purposes outlined in the Comprehensive Plan. Each of the districts as a unique purpose, as follows:

- A. MX-1 Downtown Mixed Use District. The specific intent of the MX-1 Downtown District is to foster a dense, focused, downtown business district with a mix of residential, office, commercial, retail and service uses. “Big box” uses are not allowed. The area should be pedestrian and bicycle-friendly in scale and in design.

- B. MX-2 Commercial Mixed Use District. The specific intent of the MX-2 Commercial District is to include a mix of land uses including residential, commercial, and other compatible uses. Commercial uses should serve the Newport community, and may serve the immediate region as well.
- C. MX-3 Transit-Oriented Mixed Use District. The specific intent of the MX-3 Transit-Oriented District is to encourage a mixture of residential, commercial, office and civic uses in proximity to transit facilities at densities and intensities that support and increase transit use. Development should encourage a safe and pleasant pedestrian environment, maximize access to transit, provide parking in an efficient and unobtrusive manner, and encourage a sense of activity and liveliness on local streets.

1350.09 Dimensional provisions for lots and structures.

The following lot dimension, lot coverage, building dimensions and setback provisions shall apply in nonresidential and mixed-use districts:

Provision	Districts								
	MX-1	MX-2	MX-3	B-1 & B-2	I-1	I-2	IS		
<i>Lot dimension and coverage provisions</i>									
Minimum lot area in square feet	2,400	4,000	None	15,000	30,000	30,000	30,000		
Minimum lot depth in feet	80	100	None	150	200	200	200		
Minimum lot width in feet	30	40	None	100	100	100	100		
Maximum lot coverage by all buildings (%)	80%	50%	None	30%	40%	50%	50%		
<i>Structure setback standards***</i>									
Minimum front yard setback in feet	0	10**	10	20	20	20	50		
Minimum front yard if across collector or minor street from any residential district in feet	10	10**	10	50	50	50	100		
Maximum front yard setback in feet			15						
Minimum side yard if adjacent to mixed-use or non-residential uses in feet	0	5	5	10	20	20	50		
Minimum side yard if adjacent to any residential district in feet	10	10	10	50	50	50	100		
Minimum rear yard in feet	20	20	20	20	20	20	50		
Minimum rear yard if adjacent to any residential district in feet	20	20	20	50	50	50	100		
<i>Parking and driving aisle setback in feet:</i>									

Provision	Districts								
	MX-1	MX-2	MX-3	B-1 & B-2	I-1	I-2	IS		
Minimum front yard in feet	Not allowed	Not allowed	Not allowed	20	20	20	20		
Minimum front yard if across collector or minor street from any R district in feet	Not allowed	Not allowed	Not allowed	50	50	50	50		
Minimum side yard in feet	5	5	5	5	5	5	5		
Minimum side yard if adjacent to any R district in feet	5	5	5	30	30	30	30		
Minimum rear yard in feet	5	5	5	5	5	5	5		
Minimum rear yard if adjacent to any R district in feet	10	10	10	50	50	50	50		
<i>Other Provisions</i>									
Maximum building height in feet*	40 3-sty	28 2-sty	See table in Section 1350.12(D)	40	40	40	40		
Maximum height of storage tank in I-S district in feet							55		
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes		

* Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements in Section F(2)e apply for increases in height adjacent to single-family residential uses.

** See Section 1300.09 Exceptions to Front Yard Setbacks.

*** Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in the Planned Development District process in Section 1360 of the Zoning Code.

1350.10 Parking standards.

Parking requirements shall be governed by Section 1330.06 except as otherwise stated below:

- A. In the MX-1 District parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel in which the parking is being calculated for may be included in the calculation. The maximum number of off street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are unavailable.
- B. Parking standards for the MX-3 District are included in Section 1350.12(I)
- C. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstration of proof of parking or a parking management strategy acceptable to the Zoning Administrator. Allowances for reductions in parking requirements in the MX-3 District are included in Section 1350.12(I).
- D. Surface Parking Lots in the MX-1 or MX-2 District shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage.

1350.11 Additional Performance Standards for the MX-1 and MX-2 Districts.

Additional performance standards for the MX-1 and MX-2 Districts:

1350.12 Additional Standards for the MX-3 Transit-Oriented Mixed Use District

A. The specific intent of the MX-3 Transit-Oriented Mixed Use District is to:

1. Encourage a mixture of residential, commercial, office, and civic uses in proximity to the commuter rail station at densities and intensities that support and increase transit use.
2. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.
3. Maximize access to transit.
4. Encourage use of transit infrastructure.
5. Provide parking in an efficient and unobtrusive manner
6. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
7. Encourage a sense of activity and liveliness along the street level of building facades.

B. Allowed Uses:

USE	PERMITTED	CONDITIONAL USE	NOT PERMITTED
Residential Uses			
Multifamily Residential— townhomes, condos, cooperatives	P (eight units or less per building)	C (more than 8 units per building)	
Mixed-Use (dwelling units above ground floor)	P		
Planned Unit Development		PUD	
Live-work building		C	
Congregate housing for senior populations	P		
Residential care facility (7-16 persons)		C	
Public and Semi-Public Uses			
Churches, synagogues and associated facilities, except schools		C—10,000 square feet or less	N—more than 10,000 square feet
Day care centers in a mixed-use building	P		
Government Offices		C	N—more than 50,000 square feet
Public parks and outdoor recreation facilities	P		
Parking garage (as a principle use), park-and-ride lot		C	
Public Utilities		C	
Schools – trade, vocational, dancing, music, arts, or fitness	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Transit stations, related parking, park-and-ride facilities		C	
Commercial Uses			

Auto services (not including body repair or major repair)		C—maximum of 4 bays	
Club or lodge, private	P—10,000 square feet or less		
Conference center	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Convenience retail, including gas, diesel and motor fuel retail sales		C	
Financial services	P		
Fitness and recreation centers, in a mixed-use building		C	
Grocery and produce sales	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Hotel		C	
Learning studio (martial arts, visual/performing arts, fitness)	P		
Medical, dental, and veterinary clinics and laboratories		C—10,000 square feet or less	N—more than 10,000 square feet
Offices— general, medical, professional, free-standing or mixed-use building	P—10,000 square feet or less	C—more than 10,000 square feet	
Printing, publishing, bookbinding, blueprinting		C	
Research, development and testing facilities		C	
Restaurants, including sidewalk cafes, freestanding or mixed-use buildings, bakeries, delicatessens, coffee shops, catering services	P--no liquor served	C—liquor served	
Retail businesses, free-standing or mixed-use building	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Service businesses--such as beauty shops, barbershops, dry-cleaning (drop-off/pickup only, no on-site processing)		C—10,000 square feet or less	N—more than 10,000 square feet
Small scale manufacturing, assembly, and artisans	P--5,000 square feet or less	C—more than 5,000 square feet and less than 10,000 square feet	N—more than 10,000 square feet
Structured parking facilities	P		
Accessory Uses			
Drive up facilities		C	
Gazebo, arbor, play equipment in	P		

public or private open space area			
Renewable energy system	P		
Parking lot	P		
Swimming pool	P		
Uses that are not permitted in MX-3			
Auto body painting, repair and body work, towing services			N
Single-family dwellings			N
Manufactured single-family dwellings			N
Mobile Homes			N
Outdoor sales in conjunction with a permitted use			N
Parking lots as a principle use			N
Storage, mini-storage, cold storage			N
Manufacturing			N
Warehousing and Industrial uses			N

C. Administrative Procedure for Development

1. Preliminary Review. Anyone planning to develop or redevelop property in an MX-3 District shall meet with the City Administrator (1) during the conceptual design process in order that the staff may offer input into meeting the ordinance requirements and design standards and (2) during the design development stage to ensure that the plans meet the minimum MX-3 District Standards.
2. Station Area Plan Procedure. No new development or redevelopment on the Station Area Site (“Old Knox Site”) may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing and make a recommendation to the City Council, which shall approve, modify, or deny the Station Area Plan. The Station Area Plan shall include the following:
 - a. A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.
 - b. A conceptual development plan showing public and private open space, and general site data such as potential parcel boundaries and building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering, and landscape concepts.
 - c. Generalized traffic information including proposed new streets and alley connections, proposed improvements to existing roads, and an analysis of expected traffic generation and the adequacy of the proposed transportation infrastructure.
 - d. An elements plan that includes, but is not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.
 - e. The findings necessary for approval of the Station Area Plan include, but are not limited to, the following:
 - i. The Station Area Plan is consistent with the intent of the MX-3 District.
 - ii. The Station Area Plan reflects development that:
 - A. Is not detrimental to the public health, safety, or general welfare
 - B. Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances
 - C. Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
 - D. Is served adequately by essential public services such as streets, police, fire protection, utilities, and parks
 - E. Does not create excessive additional requirements at public cost for public facilities and services, and is not detrimental to the economic welfare of the City

F. Causes minimal adverse environmental effects

G. Each phase or stage of the Station Area Plan can exist as an independent unit.

3. Site Plan Approval Required. A site plan approval is required for all new construction in the MX-3 District. Application for a site plan review shall be made to the City on forms provided by the City, and shall be accompanied by the following:
 - a. A survey or plat of the property
 - b. Evidence of ownership or interest in the property
 - c. The fee specified in the City's fee schedule
 - d. Information regarding project phasing and timing
 - e. Complete development plans as specified under Section 1360.08 of the Zoning Code, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code
 - f. Architectural plans showing the following:
 - i. Colored elevations of all sides of the building
 - ii. Type, color, and samples of exterior building materials
 - iii. Typical floor plans
 - iv. Dimensions of all structures
 - v. The location of exterior trash storage areas and of exterior electrical, heating, ventilation, and air conditioning equipment
 - vi. Utility plans including water, sanitary sewer, and storm sewer
 - vii. A plan showing landscaping, lighting, and signs that meet code requirements
 - viii. Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping
 - ix. Such other information as may be required by the City to process the application
 4. Public hearing and approvals. Upon receipt of a completed site plan application, a date shall be set for a public hearing before the Planning Commission. The hearing will be held no less than 10 days after mailed notice is sent to the owners of property located wholly or partially within 350 feet of the site. The Planning Commission shall submit its recommendation to the City Council. Following appropriate review, the Council shall make a decision regarding the application.
 5. Administrative Approval. To offer some degree of flexibility, the City Administrator has the authority to administratively increase any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other City staff (public works, building inspections, fire chief, etc.).
 - a. On matters that do not involve quantitative measurements, the City Administrator may also make minor alterations if he/she determines that such changes would be an acceptable design approach to development and would be in keeping with the general intent of the MX-3 District. Any such approval shall meet the following criteria:
 - i. Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
 - ii. Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the MX-3 District.
- D. Dimensional standards and densities.
1. The following requirements apply to all buildings or uses in an MX-3 District:

Height and Setbacks	Residential Townhouse	Residential Apt., Condo, Cooperative	Mixed-Use Building	Commercial, Civic, not in mixed-use building
Height	3 stories or 36 feet maximum, whichever is less	2 stories (24') minimum; 4 stories or 48' maximum*, whichever dimension is less	2 stories (24') minimum; 4 stories or 48' maximum*, whichever dimension is less	No minimum; 4 stories (48') maximum

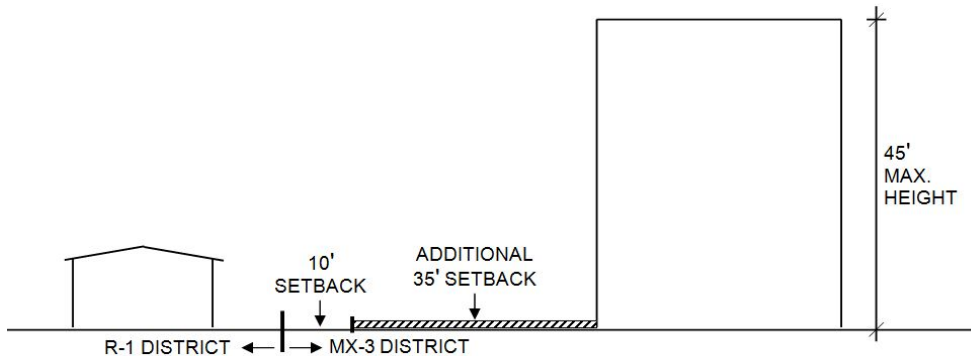
*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements in Section 1350.5 F (2) e apply for increases in height adjacent to single-family residential uses.

E. Densities

1. The maximum residential density in the MX-3 District shall be 50 units/acre
2. The minimum residential density in the MX-3 District shall be 30 units/acre
3. The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be 0.5 FAR

F. Height and Setback Standards

1. General setback standards for the MX-3 District are indicated on the table in Section 1350.11.
2. Additional setback and building height standards for the MX-3 District include the following:
 - a. If new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
 - b. All above-ground utility structures associated with electric, natural gas, telecommunications, cable television distribution lines, pipes, conduits, or other public utilities shall be located behind the minimum setback unless otherwise approved as part of the site plan approval. This applies to air vents, utility boxes, and back-flow preventers.
 - c. Driveways may cross the front setback, but shall be as near as perpendicular to the street for pedestrian safety and to minimize the intrusion into any landscaped area.
 - d. Balconies may project up to two feet (2') over the right-of-way, subject to an approved sidewalk encroachment agreement. Balconies shall have a minimum clearance of ten feet (10') from grade.
 - e. The permitted maximum height of structures adjacent to single-family residential uses shall be determined by the distance of the structure to the boundary line of the nearest single-family residential district. In the MX-3 District, applicable side and/or rear yard setbacks adjacent to single-family residential areas shall be increased by one foot (1') for each additional foot (1:1 ratio) of building height greater than the setback distance.



G. Open Storage Prohibited. Outside storage shall be prohibited in the MX-3 District.

- H. Open Space Requirement. Developers shall be expected to work with the City to provide a minimum of ten percent (10%) of residential project sites and five percent (5%) of commercial and mixed-use sites as open space. The open space may be designed as a square, plaza, terrace, or green, with a variety of landscaped and paved surfaces and seating areas. This requirement may be waived in cases where the City’s master plan specifies the location and design of open space within the development.
1. All required open space for commercial and mixed-use sites shall be accessible to the users of the building and shall be improved with seating, plantings, and amenities, and be visible from the street or pedestrian areas.
 2. Floor area ratio credits are allowed for all new developments when the pedestrian space is available for use by the public, including widened sidewalk areas.
- I. Parking Requirements. For purposes of this section, new use within the MX-3 District shall be required to meet the minimum/maximum parking spaces as shown in the following chart. All square footage is measured as ‘gross footage.’

USE	PARKING MINIMUM	PARKING MAXIMUM
Residential	1.5 spaces per dwelling unit, plus 10% for guest parking	2.5 spaces per dwelling unit, plus 10% for guest parking
Commercial, Retail, Service	1 space per 400 SF	1 space per 200 SF
Office	1 space per 400 SF	1 space per 300 SF
Restaurant	1 space per 200 SF	1 space per 75 SF
Hotel	.75 per room, plus 10% guest and staff parking	1.5 spaces per room, plus 10% guest and staff parking
Clinic	1 space per 300 SF	1 space per 100 SF
Community Center and similar uses	1 space per 400 SF	1 space per 200 SF
Theater	1 space per 6 seats, plus 5% for staff	1 space per 3 seats, plus 10% for staff

1. The required/permitted number of parking spaces of any building within the MX-3 District, including mixed-use buildings, shall be the sum total of the requirements for each use in the building.
2. Parking maximums may be exceeded, if one or more of the following is provided:
 - a. If structured or underground parking is provided on site, parking maximum may be exceeded by 25%.
 - b. If a shared parking agreement is executed, parking maximum may be exceeded by 20%.
 - c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking maximum may be exceeded by 10%.
 - d. If driveways and access points are shared by at least two adjacent properties, parking maximum may be exceeded by 10%.
 - e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking maximum may be exceeded by 10%.
 - f. In no case shall the cumulative increase in parking exceed the maximum by more than 25%.
 - g. A 25% parking reduction in the minimum number of parking spaces required is allowed if the principle use is located within 800 feet of a parking facility with public spaces available to the general public or within 800 feet of a public transit park-and-ride facility with an approved joint use agreement.
3. No surface parking or maneuvering space shall be permitted within a required setback or between the primary structure and the front yard, except that driveways providing access to the parking area may be

installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible for pedestrian safety and to minimize intrusion into the landscaped areas.

4. Parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the City.
5. Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking that is located to the side of the primary structure shall not cover more than thirty-five percent (35%) of the total lot width.
6. Shared parking shall be permitted and encouraged.
7. Bicycle parking shall be provided as a component of all parking facilities at a ratio of one bicycle space per 20 automobile spaces, or a minimum of two bicycle parking spaces, whichever is greater. Bicycle parking must be provided within view of each business front entrance. Adjoining businesses may share common bicycle parking areas.
8. All surface parking areas for more than ten (10) motorized vehicles shall provide screening. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. The screening may be eliminated if abutting parking lots are combined or interconnected with vehicular and pedestrian access. Walls shall meet the performance standards for structures and screening included in Section 1330.05 and in this Section, Item L(2) f.
9. Structured parking shall meet the following additional requirements:
 - a. At least fifty percent (50%) of the linear street level frontage of structured non-municipal parking facilities shall be devoted to retail, office, civic, institutional, or residential uses. If seventy-five percent (75%) or more of the linear street frontage is devoted to such uses, then the total square footage of these uses shall be credited one hundred percent (100%) toward the required FAR minimums.
 - b. If retail, office, civic, institutional, or residential uses are constructed on the rear or side of the facility or above the ground floor on the street frontage of the facility, then the total square footage of these areas shall be credited one hundred percent (100%) toward the required FAR minimums.
 - c. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted with an eight foot (8') clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement. No ventilation shall be permitted in the setback.
 - d. A minimum nine foot (9') clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum seven-foot (7') clearance shall be maintained throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles.

J. Loading Standards.

1. Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Section, shall provide a minimum number of off-street service/delivery loading spaces. The loading spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises and shall not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way. The loading spaces shall be a minimum of ten feet (10') by twenty-five feet (25') and shall be provided in accordance with the following:

Non-residential uses with gross floor area:

Less than 50,000 square feet	None required
50,000-150,000 square feet	One (1) space
Each additional 100,000 square feet	One (1) space

Existing buildings are exempt from these standards.

2. No loading spaces shall be permitted within any required or established setback, or between the primary structure and the required setback, except that driveways providing access to the loading area may be installed across these areas.

K. MX-3 District Design Standards

1. Connectivity and Circulation. Transit-oriented development uses shall be integrated with the surrounding area, easily accessible, and have a good internal circulation system for a variety of travel modes.
 - a. A pedestrian sidewalk system shall meet the following standards:
 - i. Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, open space, etc.). All internal sidewalks shall be finished with a hard surface as required by the City Public Works Department.
 - ii. External sidewalk connections are required to provide direct connections from all buildings on-site to the existing and/or required sidewalk system and to adjacent multi-use trails, parks, and greenways. Sidewalks shall be constructed with a hard surface and of a width as required by the City Public Works Department.
2. Street Design
 - a. Street walls
 - i. No blank walls are permitted to face public streets, walkways, or public open space.
 - ii. All non-residential buildings fronting directly on a street shall be designed so that the first floor street façade of the building(s) along all streets include clear glass window and doors to create pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least fifty percent (50%) of the length and at least forty percent (40%) of the area of the first floor street level frontage. At least fifty percent (50%) of the windows shall have the lower sill within three feet of the grade.
 - iii. For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five percent (25%) of the length of the first floor street frontage.
 - iv. Expanses of blank walls shall not exceed twenty (20) continuous feet in length. A blank wall is a façade that does not contain clear glass windows or doors or sufficient ornamentation, decoration, or articulation.
 - v. No reflective surfaces shall be permitted on street level exterior façades.
 - b. Corner Building Placement
 - i. At intersections, buildings shall have front and side facades aligned at or near the front property line.
 - c. Top of buildings
 - i. All rooftop mechanical equipment on buildings shall be screened from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
 - d. Building entrances and orientation.
 - i. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.
 - ii. At least one or more operable pedestrian entrances per building shall be provided. In a building where all three (3) of the circumstances below exist, only two (2) entrances shall be required:
 - A. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building façade(s) fronting all public rights-of-way.
 - B. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to the public open space, multi-use trail, or greenway.
 - C. When abutting a sidewalk in the rail station area, an entrance(s) shall be provided on the building façade closest to the station area sidewalk.

- e. Exterior Materials
 - i. The primary exterior opaque materials on each elevation of a building, except for the service side, must be brick, stone, decorative masonry, or similar materials, or a combination thereof.
 - ii. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, wooden exteriors.
 - iii. Sustainability Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as US Green Building Council's LEED (Leadership in Energy and Environmental Design), Minnesota Sustainable Building Guidelines, and similar programs.
 - iv. Alternative Designs or Materials. To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior façade materials meet all of the following conditions:
 - A. The proposed design or material is consistent with the purposes of this section.
 - B. The proposed design or material would enhance the architectural appearance of the building and would be equal or superior to designs or materials permitted by this section.
 - C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.
- f. Screening Standards
 - i. All service entrances, utility structures associated with a building, and loading docks and/or spaces, shall be screened from the abutting property and from public view from a public street.
 - ii. Any fences or walls used for screening or other purposes shall be constructed in a durable fashion of brick, stone, and other masonry materials specifically designed as fencing materials. The finished side of the fence shall face the abutting property. Chain link, wood, vinyl, or barbed wire fences are not permitted.
 - iii. The composition of the screening material and the placement on the lot shall be left to the discretion of the property owners as long as the intent of this Section is met. A wall cannot be substituted for a planting strip along any public street unless supplemented by landscaping.
 - iv. Landscaping used for screening shall be evergreen and at least four feet (4') tall with a minimum spread of two feet (2') when planted and no further apart than five feet (5'). Shrubs shall be adequately maintained as that an average height of five (5') to six feet (6') can be expected as normal growth within four years of planting. The average expected height may be reduced to four feet (4') for screening along public streets.
 - v. The maximum height for walls and fences shall be six feet (6') or whatever is sufficient to visually screen the use but not less than four feet (4').
 - vi. Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a six-foot (6') high solid and finished masonry wall with closeable gates. In no instance shall a chain link fence, wood, vinyl, or barbed wire fence be permitted.
- g. Buffer Standards
 - i. All uses, other than single-family detached dwelling units, shall provide landscaping along all property lines abutting residentially used property located adjacent to the MX-3 District. This requirement also applies in situations where an alley with a right-of-way width of twenty-five feet (25') or less separates uses in the MX-3 District from a non-MX-3 District residential property. Landscaping shall be provided along all property lines abutting the alley when adjacent to residential uses. Multi-family developments in an MX-3 District are exempt from this landscaping requirement when they abut other multi-family uses.
 - ii. In no instance shall a chain link, wood, vinyl, or barbed wire fence be permitted.
- h. Exterior Lighting Standards

- i. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties and shall comply with the following standards:
 - A. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 - B. Security lighting shall be adequate for visibility, but not overly bright.
 - C. Metal halide lighting shall be used with a concealed light source of the “cut-off” variety to prevent glare and “light trespass” onto adjacent buildings and sites.
 - D. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20’), measured from grade, and shall be coordinated with City standards.
 - E. Poles in parking lots shall have a maximum height of twenty-four feet (24’) measured from finished grade.
 - F. Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest.
 - G. “Wall paks” shall be permitted only in loading and service areas and shall be down-lit and shielded from view.
 - H. Shielded illumination or fixtures shall be permitted to light building mounted signage, building façades, or pedestrian arcades if they are integrated into a building’s architectural design.
 - I. Lighting should highlight entrances, art, terraces, and special landscape features.
 - J. Separate pedestrian scale lighting or other low-level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
 - K. All primary walkways, steps, or ramps along pedestrian routes shall be illuminated.
- i. Light Intensity
 - i. A photometric lighting plan is required for all proposed commercial developments to ensure that adequate and appropriate light levels are provided for each site condition.
 - ii. Lighting shall not exceed 0.1 foot candle at residential property lines or 0.5 foot candle on non-residential property lines measured on a vertical plane.
 - iii. The following minimum levels of illumination must be maintained for each of the specific locations:

Building entrances	5.0 foot candles
Sidewalks	2.0 foot candles
Bikeways	1.0 foot candles
Courts/plazas/terraces	1.5 foot candles
Ramps	5.0 foot candles
Stairways	5.0 foot candles
Underpasses	5.0 foot candles
Waiting areas	1.0 foot candles
Parking lots	1.0 foot candles
- j. Signs, banners, flags, and pennants
 - i. where signs, banners, flags, and pennants for identification or decoration are provided, they shall conform to the following:
 - ii. Wall signs shall have a maximum of one-hundred fifty (150) total square feet or five percent (5%) of the building wall area occupied by the user, whichever is less. Wall signs may be increased by twenty (20) square feet per sign in lieu of a ground mounted or monument sign.
 - iii. Signs are permitted to project up to two feet (2’) into the minimum setback as measured from the building. Under no circumstances shall a sign project more than four feet (4’) from the back of the curb. A minimum overhead clearance of eight feet (8’) from the sidewalk shall be maintained.
 - iv. Marquee signs are permitted.

- v. Ground mounted or monument signs are permitted as follows:
 - A. Signs shall not exceed ten feet (10') in height and forty (40) square feet in area.
 - B. Signs shall be located behind the right-of way and out of any sight distance triangle.
 - C. Signs shall be setback five feet (5') from any property line.
 - D. No freestanding pole signs shall be permitted.
 - E. No off-premise signs shall be permitted.
- vi. Signs shall also conform to Section 1380.02 and 1380.03 of this code.
- k. Landscaping Standards
 - i. The plan for landscaping must include ground cover, bushes, trees, foundation plantings, sculpture, fountains, decorative walks, or other similar site design features or materials. Landscaping must conform to the requirements of the City Code, Section 1330.05, Subd. 14.
 - ii. Landscaping shall support the purpose and intent of the District, and be consistent with the Station Area Plan or adopted master plans for the District.
- L. Design Manual
 - 1. All design guidelines included in the City's Red Rock Transit District Design Guidelines shall apply. The Design Guidelines have been adopted as part of the City's Comprehensive Plan.

1330.13 Commercial, Industrial, and Mixed Use Districts

1370.09 River Redevelopment Overlay District.

Subd. 1 Findings. The City finds that the development of new transit facilities in the MX-3 Transit-Oriented Mixed Use District and redevelopment of the MX-3 District will benefit the general health and welfare of the residents of Newport by fulfilling needs for housing, transportation, and employment. Redevelopment in the MX-3 District may encourage redevelopment of adjacent industrial zoning districts in the long-term. Redevelopment in adjacent areas should be coordinated with the City's long-range plans for the MX-3 District to benefit the community and make the best use of public and private investment in the area.

Subd. 2 Purpose and Intent. The River Redevelopment Overlay District is created to coordinate future redevelopment in the overlay district with redevelopment in the adjacent MX-3 Transit-Oriented Mixed Use District.

Subd. 3 Objectives. The objectives of this district are to:

- A. Provide for City review of proposed new uses and redevelopment of parcels in within the River Redevelopment Overlay District.
- B. Coordinate redevelopment within the Overlay District with redevelopment plans and activities in the adjacent MX-3 Transit-Oriented Mixed Use District.
- C. Implement the City's concept plans for redevelopment in and around the MX-3 District by creating connections to the Mississippi River.

Subd. 4 Establishment of the River Redevelopment Overlay District. A River Redevelopment Overlay District with its attendant regulations shall be hereby established as part of the Zoning regulations of Newport, Minnesota. This district shall overlay the existing I-1 and I-2 Zoning Districts so that any parcel of land lying in the overlay district shall also lie in the underlying established zoning district. Territory within the overlay district shall be subject to the requirements established in this Section, as well as restrictions and requirements established by other applicable Code Sections, the Subdivision Ordinance, and other ordinances and regulations of the City. Within the overlay district, all existing uses shall be permitted in accordance with the regulations for the underlying zoning district provided, however, parcels within the overlay district shall not be entitled to add new uses or redevelop their sites until they have first satisfied the additional requirements established in this Subsection.

Subd. 5 District Boundaries. This Subsection shall apply to the River Redevelopment Residential Overlay District which shall be delineated on the official zoning map of the City for purposes of determining the

application of this Subsection to any particular parcel of land. The above-referenced map shall be on file in the office of the Zoning Administrator and shall be available for inspection and copying.

Subd. 6 Definitions.

- A. Redevelopment. "Redevelopment" is the construction of new buildings, facilities or uses on a site that has existing uses.

Subd. 7 New Uses Permitted. Permitted uses in the River Redevelopment Overlay District are those uses which are acceptable to any overall redevelopment plan adopted by the City and specific redevelopment plans approved by the City. Uses permitted in the MX-3 District are permitted within the River Redevelopment Overlay District. Upon approval of the specific redevelopment plans, the City shall determine the specific uses that are permitted within the development.

Sub. 8 New Uses Excluded. The following types of uses are not permitted in the River Redevelopment Overlay District:

- A. Uses which may be dangerous, create annoying odors, noise disturbances or be otherwise detrimental to the general welfare of persons residing or working in the vicinity thereof or may impair the use, enjoyment or value of any property.
- B. Trucking terminals.
- C. Uses whose operation requires the outdoor storage of materials or equipment, including the outdoor manipulation of said materials or equipment.
- D. Uses whose principal operation requires the outdoor storage of motor vehicles, including the outdoor manipulation of said motor vehicles.

Subd. 8 Process for Approval of Redevelopment Plans. Plans for each new use or redevelopment project or combination of projects in the River Redevelopment Overlay District must be submitted to the City Administrator for concept plan review. Site plan approval is required for all new construction in the River Redevelopment Overlay District. Applications and process for site plan approval shall follow the requirements for site plan approval identified in Section 1350.14, Section C.

The foregoing Ordinance was moved by Councilmember _____ and seconded by Councilmember _____.

The following Councilmembers voted in the affirmative:

The following Councilmembers voted in the negative:

Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 21st day of June 2012.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Brian Anderson, City Administrator